



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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July 26, 1976

ATG:RWM
90-5-1-7-463



Mr. Thomas F. Strubbe
Clerk
United States Court of Appeals
Seventh Circuit
Chicago, Illinois 60604

Dear Mr. Strubbe:

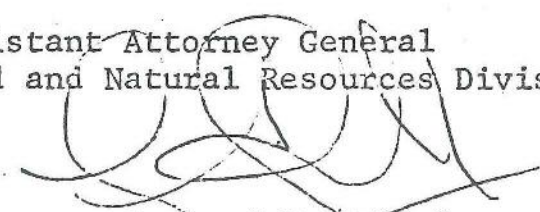
Re: United States Steel Corporation v. United
States Environmental Protection Agency;
Petition For Review, (C.A. 7, No. 76-1616)

Enclosed herewith for filing in the captioned case are
the Certified Index to the Record and a Supplemental Certified
Index to the Record. Thank you for your cooperation.

Sincerely,

Assistant Attorney General
Land and Natural Resources Division

By:


Raymond W. Mushal
Attorney, Pollution Control Section

Enclosure

Dist. by RHC 7/30/76: McDonald
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12954

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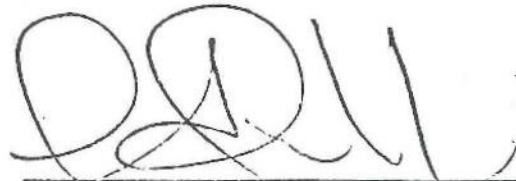
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The Honorable Marvin E. Jon
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U.S. Environmental Protection
Agency
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12955

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Certified Index to the Record and Certified Supplemental Index to the Record were served upon Jay A. Lipe, Esquire and James T. Harrington Esquire, Rooks, Pitts, Fullagar and Poust, 208 South La Salle Street, Suite 1776, Chicago, Illinois, 60604, counsel for Petitioner, by United States mail, properly addressed and postage prepaid, on this 26th day of July, 1976.



RAYMOND W. MUSHAL
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Washington, D.C. 20530
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12956

UNITED STATES COURT OF APPEALS
SEVENTH CIRCUIT

UNITED STATES STEEL CORPORATION,

Petitioner

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent

No. 76-1616



Certified Index to the Record

The United States Environmental Protection Agency, Region V, hereby certifies that the material indexed and described below constitutes a complete record of the action of the Administrator of the United States Environmental Protection Agency issuing National Pollutant Discharge Elimination System Permit Number IN 0000281 to the United States Steel Corporation pursuant to Section 402 of the Federal Water Pollution Control Act Amendments of 1972.

BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

I have hereunto subscribed my name at Chicago, Illinois this 23rd day of *July*, 1976.


James O. McDonald, Director
Enforcement Division
United States Environmental Protection Agency

Dist. by RHC 7/30/76: McDonald
Bryson
✓ Romanek
Ginsberg
Ulrich
Schaefer

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USEPA
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| 2-A | National Pollutant Discharge Elimination System; 38 Federal Register pages 13528-13540; May 22, 1973. | EPAX(2A)1-14 |
| 3 | United States Steel Corporation, Refuse Act Permit Program Application. | EPAX(3)1-352 |
| 3-1 | Certificate of Correct Copies Vyvyan M. Epps, Chief, Records Control Unit, August 5, 1975 | EPAX(3-1)1 |

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AA	United States Environmental Protection Agency Interim Primary Drinking Water Standards	USSX(AA)1-9
AS	Fourth Session of the Conference in the Matter of Pollution of Lake Michigan and its Tributary Basin in the States of Wisconsin, Illinois, Indiana, and Michigan	USSX(AS)i-523
	Remote Sensing Study of Thermal Discharges to Lake Michigan, Wisconsin-Illinois-Indiana-Michigan, September 1972	USSX(AS-1)1-16

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AY	State Certification, Public Notice, Fact Sheet, and Permit as issued regarding NPDES Permit No. IN 0000281.	USSX(AY)1-75
AZ	U. S. Steel Corporation Refuse Act Permit Application.	USSX(AZ)1-352
BA	U. S. Steel Corporation Request for Adjudicatory Hearing.	USSX(BA)1-43
BB	USEPA Rules and Regulations regarding Thermal Dischargess.	USSX(BB)1-9
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BF	Evaluation: States of Indiana and Illinois Criteria for Ammonia-Nitrogen in the waters of Lake Michigan.	USSX(BF)1-13
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91.	Letter from Carol L. Dorge, Paralegal for U. S. Steel Corporation, dated July 30, 1975 to Marvin E. Jones, Administrative Law Judge, supplementing U. S. Steel Exhibit O.	995 - 997
92.	Letter from Jay A. Lipe, Attorney for U. S. Steel, dated August 8, 1975 to Marvin E. Jones, Administrative Law Judge, supplementing U. S. Steel Exhibit O.	998 - 1000
93.	Notice of Availability of Witness filed by John T. Bernbom, Attorney, Illinois Environmental Protection Agency, dated August 12, 1975	1001 - 1002
94.	Submission of Testimony by the Illinois Environmental Protection Agency dated August 14, 1975	1003 - 1014
95	Letter from Janet S. Mason, Regional Hearing Clerk, USEPA, Region V, dated September 5, 1975 to all parties of record setting September 24, 1975 as the date for filing proposed findings of fact and conclusions of law.	1015 - 1016
96.	Motion for Continuance filed by David A. Ullrich, Attorney, USEPA, dated September 11, 1975	1017 - 1019
97.	Order signed by Marvin E. Jones, Administrative Law Judge, dated September 12, 1975 setting October 17, 1975 as the date for filing proposed findings of fact and conclusions of law.	1020 - 1021

98. Motion for Extension of Time filed by Jay A. Lipe, Attorney for U. S. Steel, dated October 6, 1975. 1022 - 1025
99. Order Granting Extension of Time signed by Marvin E. Jones, Administrative Law Judge, dated October 9, 1975 setting October 31, 1975 as the date for filing proposed Findings of Fact and Conclusions of Law. 1026 - 1027
100. Letter from Marvin E. Jones, Administrative Law Judge, dated October 28, 1975 to all parties of record setting November 10, 1975 as the date for filing proposed Findings and Conclusions of Law. 1028
101. Proposed Findings of Fact and Conclusions of Law filed by John T. Bernbom, Attorney, Illinois Environmental Protection Agency, dated October 30, 1975. 1029 - 1031
102. Transcript of the Adjudicatory Hearing submitted by Diane Hromek, Court Reporter, dated November 4, 1975. HT11 - HT1564
103. Letter from David A. Ullrich, Attorney, USEPA, dated November 7, 1975 to Marvin E. Jones, Administrative Law Judge, transmitting proposed Findings and Conclusions. 1032 - 1097
104. Findings of Fact filed by David D. Comey for BPI and the Lake Michigan Federation. 1098 - 1099
105. Notice of Submission of Proposed Findings of Fact and Conclusions of Law filed by James T. Harrington, Attorney for U. S. Steel, dated November 10, 1975. 1100 - 1211
106. Memorandum of Points and Authorities of Law filed by David A. Ullrich, Attorney, USEPA, dated November 7, 1975. 1212 - 1218
107. Appendix A to USEPA Proposed Findings and Conclusions filed November 10, 1975. 1219 - 1278
108. Motion for Leave to Supplement Permittee's Proposed Findings of Fact and Conclusions of Law and to Withhold Submission of same to the Regional Administrator filed by James T. Harrington, Attorney for U. S. Steel, dated November 10, 1975. 1279 - 1282
109. Order signed by Marvin E. Jones, Administrative Law Judge, dated November 14, 1975 granting leave to file a supplement to Proposed Findings and Conclusions by November 21, 1975. 1283 - 1284

110. Response to Permittee's Motion for Leave to Supplement Permittee's Proposed Findings and Conclusions of Law and to Withhold Submission of Same to the Regional Administrator filed by David A. Ullrich, Attorney, USEPA, dated November 18, 1975. 1285 - 1287
111. Supplement to Permittee's Proposed Findings of Fact and Conclusions of Law filed by James T. Harrington, Attorney for U. S. Steel, dated November 21, 1975. 1288 - 1292
112. Letter from James T. Harrington, Attorney for U. S. Steel Corporation, dated December 2, 1975 to David A. Ullrich, Attorney, USEPA, commenting upon the USEPA Proposed Findings and Conclusions. 1293 - 1295
113. Certification of the Record by Marvin E. Jones, Administrative Law Judge, dated December 2, 1975. 1296 - 1297
114. Stipulation between USEPA and U. S. Steel dated December 19, 1975 extending the time for the issuance of an initial decision to January 30, 1976. 1298
115. Certification of the Record by Janet S. Mason, Regional Hearing Clerk, USEPA, Region V, dated December 19, 1975. 1299
116. Order signed by Francis T. Mayo, Regional Administrator, USEPA, Region V, dated December 22, 1975 extending the date for an initial decision until January 30, 1976. 1300
117. Letter from Henry Modetz, Acting Regional Hearing Clerk, USEPA, Region V, dated January 2, 1976 to all parties of record transmitting copies of the Certification of the Record by Marvin E. Jones, Administrative Law Judge. 1301 - 1303
118. Letter from James T. Harrington, Attorney for U. S. Steel, dated January 28, 1976 to Dale S. Bryson, Acting Director, Enforcement Division, USEPA, Region V, regarding studies for alternate thermal effluent limitations. 1304 - 1305
119. Order of Remand signed by Francis T. Mayo, Regional Administrator, USEPA, Region V, dated January 30, 1976. 1306 - 1318
120. Letters from Valdas V. Adamkus, Acting Regional Administrator, USEPA, Region V, dated February 2, 1976 to all parties of record transmitting copies of the Order of Remand. 1319 - 1328
121. Letter from Marvin E. Jones, Administrative Law Judge, dated February 4, 1976 to all parties of record setting March 16, 1976 as the date for the reconvening of the hearing. 1329 - 1330

122. Motion to Stay Order of Remand and Motion to Reconsider and Vacate the Order of Remand and For Entry of Initial Decision filed by David A. Ullrich, Attorney, USEPA, Enforcement Division, dated February 4, 1975. 1331 - 1336
123. Order signed by Francis T. Mayo, Regional Administrator, USEPA, Region V, dated February 6, 1976 denying USEPA, Enforcement Division Motion for Stay and Reconsideration. 1337 - 1338
124. Motion for Pretrial Order filed by James T. Harrington, Attorney for U. S. Steel, dated February 13, 1976. 1339 - 1342
125. Order Denying Permittee's Motion for a Pretrial Order signed by Marvin E. Jones, Administrative Law Judge, dated February 18, 1976. 1343 - 1344
126. Motion to Schedule and Hold Prehearing Conference filed by David A. Ullrich, Attorney, USEPA, Region V, dated February 18, 1976. 1345 - 1348
127. Letter from Marvin E. Jones, Administrative Law Judge, dated February 20, 1976 to David A. Ullrich, Attorney, USEPA, and James T. Harrington, Attorney for U. S. Steel, scheduling a Prehearing Conference. 1349 - 1350
128. Submission of Written Testimony by John T. Bernbom, Attorney, Illinois Environmental Protection Agency, dated March 5, 1976. 1351 - 1352
129. Statement of position filed by Richard A. Pavia, Acting Commissioner, City of Chicago, Department of Water and Sewers, dated March 8, 1976. 1353
130. Permittee's Submission of Written Testimony filed by James T. Harrington, Attorney for U. S. Steel, dated March 9, 1976. 1354 - 1356
131. Submission of Testimony by David A. Ullrich, Attorney, USEPA, Region V, dated March 9, 1976. 1357 - 1430
132. Letter from Carolyn S. Cates, Regional Hearing Clerk, USEPA, Region V, dated March 11, 1976 to all Parties of Record stating that a transcript of the February 25, 1976 Prehearing Conference is available for review. 1431 - 1432
133. Transcript of February 25, 1976 Prehearing Conference. RPT1 - RPT53
134. Notice of Appearance filed by Christopher J. Dunskey, Attorney, USEPA, dated March 11, 1976. 1433 - 1434

135. Exhibits offered by USEPA at the Remanded Hearing

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
32-R	Testimony of James E. McDermott.	EPAX(32-R)1-27
33-R	Testimony of Peter B. Spyropoulos.	EPAX(33-R)1-8
34-R	Testimony of Dr. Henry C. Bramer.	EPAX(34-R)1-4
35-R	Survey of Four Steel Plants Operating Blast Furnace Recycle Systems.	EPAX(35-R)1-33
36-R	Diagram of a Blast Furnace Recycle System.	EPAX(36-R)1-2
37-R	Engineering and Construction Schedule for a Blast Furnace Recycle System.	EPAX(37-R)1
38-R	Cost of a Blast Furnace Recycle System.	EPAX(38-R)1-2
39-A-R	Blast Furnace - Schematic Diagram of the Iron Making Process.	EPAX(39-A-R)1
39-B-R	Diagram of a Blast Furnace Gas Water Once Through System.	EPAX(39-B-R)1
40-R	A Report on Treatment System Modifications and Additions, Gary Works, U. S. Steel Corporation, March, 1976.	EPAX(40-R)1-33
136.	Letter from Marvin E. Jones, Administrative Law Judge, dated March 18, 1976 to All Parties of Record confirming the orders announced at the Remanded Hearing.	1435
137.	Proposed Findings and Conclusions filed by David A. Ullrich, Attorney, USEPA, dated April 5, 1976.	1436 - 1444
138.	USEPA, Region V Enforcement Division Findings and Conclusions Argument on Factual Issues and Memorandum of Law filed by David A. Ullrich and Christopher J. Dunskey, Attorneys, USEPA, dated April 5, 1976.	1445 - 1467
139.	Permittee's Proposed Findings of Fact and Conclusions of Law Pursuant to the Order of Remand Issued in these proceedings, filed by James T. Harrington, Attorney for U. S. Steel, dated April 6, 1976.	1468 - 1472

140. Memorandum in Support of Proposed Findings of Fact and Conclusions of Law Pursuant to Order of Remand dated April 6, 1976. 1473 - 1486
141. BPI and Lake Michigan Federation's Findings of Fact and Conclusions of Law filed by David Dinsmore Comey dated April 6, 1976. 1487 - 1488
142. Memorandum from Carolyn S. Cates, Regional Hearing Clerk, USEPA, Region V, dated April 14, 1976 to George R. Alexander, Jr., Regional Administrator, USEPA, Region V, forwarding the record of the Remanded Hearing for his initial Decision. 1489 - 1491
143. Transcript of the Remanded Hearing certified by Marilyn Hall, Court Reporter, dated March 22, 1976. HT1565 - HT1667
144. Letter from Carolyn S. Cates, Regional Hearing Clerk, USEPA, Region V, dated April 21, 1976 to All Parties of Record transmitting a copy of the Administrative Law Judge's Certification of the Record. 1492 - 1495
145. Initial Decision of George R. Alexander, Regional Administrator USEPA, Region V, dated May 11, 1976. 1496 - 1598
146. Petition for Review of the Decisions of the Regional Administrator and of the General Counsel filed by James T. Harrington, Jay A. Lipe, and Dixie L. Laswell, Attorneys for U. S. Steel, dated May 21, 1976. 1599 - 1674
147. Denial of Petition for Review signed by Russell E. Train, Administrator, USEPA, dated June 24, 1976. 1675 - 1679
148. NPDES Permit No. IN 0000281 issued to United States Steel Corporation authorizing discharge from its facility located in Gary, Indiana signed by A. H. Manzardo, Acting Director, Enforcement Division, USEPA, Region V, dated June 25, 1976. 1680 - 1739

UNITED STATES COURT OF APPEALS
SEVENTH CIRCUIT

UNITED STATES STEEL CORPORATION,

Petitioner

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent

No. 76-1616

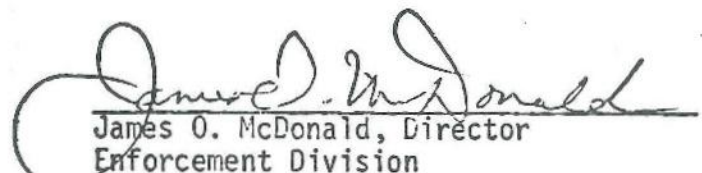


Certified Supplemental Index to the Record

The United States Environmental Protection Agency, Region V, hereby certifies that the material indexed and described below constitutes a complete record of the action of the Regional Administrator of Region V of the United States Environmental Protection Agency denying the Petition for Stay Pending Appeal of National Pollutant Discharge Elimination System Permit Number IN 0000281 issued to the United States Steel Corporation.

BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

I have hereunto subscribed my name at Chicago, Illinois this 23rd day
of *July*, 1976.


James O. McDonald, Director
Enforcement Division
United States Environmental Protection

Dist. by RHC 7/30/76: McDonald
Bryson
✓ Romanek
Ginsberg
Ulrich
Schaefer

12978

Item
Number

Description

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1. Petition for Stay of National Pollutant Discharge Elimination System Permit No. IN 0000281 filed by James T. Harrington and Jay A. Lipe, Attorneys for U. S. Steel Corporation, dated June 29, 1976. 1-75
2. Motion for Expedited Ruling and Petition for Temporary Stay Pending Ruling filed by Jay A. Lipe and James T. Harrington, Attorneys for U. Steel Corporation, dated June 29, 1976. 76-79
3. Report of Proceedings of June 29, 1976 before George R. Alexander, Regional Administrator, USEPA, Region V, reported by Evelyn I. Mutzabaugh, Court Reporter, dated June 30, 1976. 80-98
4. Order signed by George R. Alexander, Jr., Regional Administrator, USEPA, Region V, dated July 1, 1976 staying the immediately effective terms and conditions of NPDES Permit No. IN 0000281. 99-101
5. Notice of Filing of Affidavits and Memorandum in Support of Petition for Stay filed by James T. Harrington, Attorney for U. S. Steel Corporation, dated July 2, 1976. 102-123
6. Notice of Appearance and USEPA Enforcement Division's Response to USSC's Petition for Stay filed by Gail C. Ginsberg, Attorney, USEPA, Enforcement Division, dated July 2, 1976. 124-132
7. Denial of Petition for Stay Pending Appeal signed by George R. Alexander, Jr., Regional Administrator, USEPA, Region V, dated July 6, 1976. 133-140